

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

March 24, 2023

Lyle W. Cayce
Clerk

No. 21-30459

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

RAHSAAN JOHNSON,

Defendant—Appellant.

Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 2:03-CR-135-3

ON REMAND FROM
THE SUPREME COURT OF THE UNITED STATES

Before SMITH, STEWART, and GRAVES, *Circuit Judges.*

PER CURIAM:*

Rahsaan Johnson appeals the district court's denial of his motion for a sentence reduction pursuant to section 404 of the First Step Act of 2018, Pub. L. No. 115-391, § 404, 132 Stat. 5194, 5222. We previously affirmed the district court's denial of the motion. *United States v. Johnson*, No. 21-30459,

* This opinion is not designated for publication. See 5TH CIR. R. 47.5.

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2022 WL 1617863 (5th Cir. May 23, 2022). However, the Supreme Court vacated our judgment and remanded the case for reconsideration in light of its decision in *Concepcion v. United States*, 142 S. Ct. 2389 (2022).

On remand, the parties jointly ask us to vacate the district court order denying Johnson's motion for a sentence reduction and remand the case to the district court in light of *Concepcion*. We grant the parties' request. The district court's order denying Johnson's motion for a sentence reduction is VACATED, and the case is REMANDED to the district court for reconsideration in light of *Concepcion*.¹

¹We do not mean to suggest what rulings the district court should issue on remand.